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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 RAYMOND JOEL LUTHER SR,

11 Plaintiff,

12 v.

13 PAT GLEBE.

14 Defendant.

CASE NO. C11-5387-RJB-JRC

ORDER ADOPTING A REPORT  
AND RECOMMENDATION

15 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.  
16 Richard Creatura, objections to the Report and Recommendation, if any, and the remaining  
17 record, does hereby find and ORDER:

- 18 1. The Court adopts the Report and Recommendation;
- 19 2. Defendant's motion for judgment on the pleadings is GRANTED. This  
20 action is dismissed WITH PREJUDICE.
- 21 3. Plaintiff has failed to plead any facts that implicate the only named  
22 defendant. While plaintiff complains of medical treatment, he does not  
show that the superintendent of the prison plays any part in medical  
decisions.
- 23 4. Plaintiff was given leave to file an amended complaint. When he failed to  
24 take any timely action leave to amend the complaint was withdrawn.

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2 5. The Clerk is directed to send a copy of this Order to plaintiff, and to the  
3 Hon. J. Richard Creatura.

4 DATED this 6th day of March, 2011.

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6 ROBERT J. BRYAN  
7 United States District Judge  
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